

### **DETAILED ACTION**

1. This Office Action is in response to the Board of Patent Appeals and Interferences Decision, mailed on June 5, 2012, affirming the Examiner on Claims 4, 6-8, 11, 37, 46, 47, and 59 and reversing the examiner on Claims 25-36, 38-45, 48, 61, and 62. Examiner acknowledges Claims 4-20, 24-48, 59, 61, and 62 are pending in this application, with claims 5, 9, 10, 12-20, and 24 having been withdrawn from consideration.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE CLAIMS:

Claims 4-20, 24, 37, 46, 47, and 59 are cancelled.

3. The following is an examiner's statement of reasons for allowance: The prior art made of record does not disclose or teach the process for acquiring scanned image data having the structure and relationship as claimed in independent claims 25, 38, and 48 explicitly the feature of the scanner "utilizing cross-polarized light when scanning, nor as utilizing specialized instructions regarding what area of the sample (scanned image)

to evaluate", as addressed in the Board of Patent Appeals and Interferences decision, mailed June 5, 2012, on Pages 10-11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNETTE DIXON whose telephone number is (571)272-3392. The examiner can normally be reached on Monday thru Friday 0530 to 1400.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Annette F Dixon  
Primary Examiner  
Art Unit 3778

/Annette F Dixon/  
Primary Examiner, Art Unit 3778